

Return Date:, May 17<sup>th</sup>, 2018  
Time: 2:30 P.M.

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

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IN RE:

Chapter 13  
Case No. 17-10867 CGM

**UDODI DURO,**

**NOTICE OF MOTION**

Debtor

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**PLEASE TAKE NOTICE**, that upon the annexed application of the Chapter 13 Trustee herein, a motion will be made before the Hon. Cecelia G. Morris, United States Bankruptcy Judge, at the United States Courthouse, located at One Bowling Green, New York, New York, on the 17<sup>th</sup> day of May, 2018 at 2:30 P.M for an order dismissing the Chapter 13 case pursuant to 11 U.S.C. § 1307 (c)(1) on the ground that there has been unreasonable delay by the debtor that is prejudicial to creditors, and (c )(4) in that the debtor failed to remit timely plan payments to the trustee demonstrating good faith and feasibility; and for such other and further relief as this Court deems just and proper.

**PLEASE TAKE FURTHER NOTICE**, that answering papers, if any, are to be served on the undersigned and filed with the Court no later than three (3) days prior to the return date of this motion, and must comply with the Bankruptcy Court's electronic filing system in accordance with General Order M-242 and Supplemental General Order M-269.

Dated: White Plains, New York  
March 12<sup>th</sup>, 2018

/s/ Krista M. Preuss  
**Krista M. Preuss (KMP7299)**  
**Chapter 13 Trustee**  
**399 Knollwood Road**  
**White Plains, New York 10603**  
**Chapter 13 Tel. 914-328-6333**

**TO:** United States Trustee  
201 Varick Street # 1006  
New York, New York 10014

Udodi Duro  
1863 Andrews Avenue  
Bronx, New York 10453

Adrian J. Johnson  
Claudio & Johnson, LLC  
280 Amboy Avenue # 3  
Metuchen, New Jersey 08840

William B. Stock, Esq.  
3935 Blackstone Avenue # 9  
Riverdale, New York 10471

Wells Fargo Bank, NA  
c/o Shapiro DiCaro & Barak, LLC  
One Huntington Quadrangle # 3N05  
Melville, New York 11747

U. S. Bank National Association  
c/o Wells Fargo Bank, NA  
1000 Blue Gentian Road  
N9286-01Y  
Eagan, Minnesota 55121

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

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IN RE:

Chapter 13  
Case No. 17-10867 CGM

**UDODI DURO,**

**APPLICATION**

Debtor

-----X

**TO THE HON. CECELIA G. MORRIS, BANKRUPTCY JUDGE:**

1. The debtor filed the instant voluntary Chapter 13 proceeding on April 1<sup>st</sup>, 2017.
2. The debtor is in violation of 11 U.S.C. §1307 (c ) (1) and (c )(4).
3. The debtor has failed to remit timely plan payments to the trustee, having remitted eight payments, and being, at this juncture, three months arrears.
4. The debtor's plan is not feasible in that the debtor is unable to remit monthly payments as required under 11 U.S.C. § 1325 (a)(6) and § 1326(a)(1).
5. The debtor's plan is deemed insufficient and infeasible.
6. Loss mitigation has been denied and terminated.
7. The debtor has created unreasonable delay that is prejudicial to creditors..

**WHEREFORE**, this Chapter 13 case should be dismissed pursuant to 11 U.S.C. §1307 (c)(1) and (c)(4).

Dated: White Plains, New York  
March 12<sup>th</sup>, 2018

/s/ Krista M. Preuss  
**Krista M. Preuss**

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

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IN RE:

Chapter 13

Case No. 17-10867 CGM

**UDODI DURO,**

Debtor

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**CERTIFICATE OF SERVICE**

Lois Rosemarie Esposito, duly certifies:

I am not a party to the action herein, I am over the age of 18 years and reside in  
the County of Westchester, State of New York.

On March 12<sup>th</sup>, 2018 I served a true copy of the within document, to the herein  
listed parties at the address(es) designated for that purpose, by mailing same in a properly sealed  
envelope with postage prepaid thereon, in an official depository of the United States Postal  
Service within the State of New York to the following:

**TO:** United States Trustee  
201 Varick Street # 1006  
New York, New York 10014

Udodi Duro  
1863 Andrews Avenue  
Bronx, New York 10453

Adrian J. Johnson  
Claudio & Johnson, LLC  
280 Amboy Avenue # 3  
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c/o Wells Fargo Bank, NA  
1000 Blue Gentian Road  
N9286-01Y  
Eagan, Minnesota 55121

/s/ Lois Rosemarie Esposito  
Lois Rosemarie Esposito